

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of)	
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CERTAIN INK JET PRINT)	Investigation No. 337-TA-446
CARTRIDGES AND)	
COMPONENTS THEREOF)	
)	

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO ONE RESPONDENT ON
THE BASIS OF A CONSENT ORDER; ISSUANCE OF CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the initial determination (ID) of the presiding administrative law judge (ALJ) granting the joint motion of complainant Hewlett-Packard Company (HP) and respondent Cartridge Hut and Paperwork Plus, Inc. (Cartridge Hut) to terminate the above-captioned investigation as to Cartridge Hut on the basis of a consent order.

FOR FURTHER INFORMATION CONTACT: Peter L. Sultan, Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3094. Copies of the ALJ s ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W. Washington, D.C. 20436, telephone (202) 205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission s TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission s electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: On January 19, 2001, the Commission instituted this investigation based on a complaint filed by HP, alleging a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain ink jet print cartridges and components thereof by reason of infringement of U.S. Letters Patent 4,827,294; 4,635,073; 4,680,859; 4,872,027; 4,992,802; and 5,409,134. 66 Fed. Reg. 7783 (January 25, 2001). Five firms were named as respondents: Microjet Technology Co., Ltd. of Taipei, Taiwan; Printer Essentials of Reno, Nevada; Price-Less Inkjet Cartridge Company of Port Charlotte, Florida; Cartridge Hut and Paperwork Plus of Sun City, California; and ABCCo.net, Inc. of Port Charlotte, Florida.

On September 18, 2001, complainant HP and respondent Cartridge Hut filed a joint motion to terminate the investigation as to Cartridge Hut on the basis of a consent order stipulation and proposed consent order. The Commission investigative attorney supported the motion. No other party responded to the motion.

On October 12, 2001, the ALJ issued an ID (Order No. 15) terminating the investigation as to Cartridge Hut based on the joint stipulation and proposed consent order. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 C.F.R. § 210.44. The ID thus became the determination of the Commission pursuant to 19 C.F.R. § 210.42(h)(3).

The Commission notes that the proposed consent order includes within its scope claims of the patents in issue that are not at issue in this investigation, and that consequently the consent order exceeds the scope of the investigation. While the Commission has determined to terminate Cartridge Hut from the investigation on the basis of the consent order and consent order stipulation, it does not intend to enforce the consent order as to patent claims that are not at issue in this investigation.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and Commission rule 210.42, 19 C.F.R. § 210.42.

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: November 1, 2001